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November 9, 2020

VIA ECF

Honorable Debra Freeman, U.S. Magistrate Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *In re Navidea Biopharmaceuticals Litigation, Case No. 19-cv-01578-VEC*

Dear Judge Freeman:

As the Court is aware, we represent Defendant/Counterclaim Plaintiff/Third-Party Complaint Plaintiff Michael M. Goldberg, M.D. (“Dr. Goldberg”) in the above-referenced action. We write as a follow-up to the Court’s Order [Dkt. No. 150] entered on November 4, 2020 in which you ordered that if Plaintiff/Counterclaim Defendant Navidea Biopharmaceuticals, Inc. (“Navidea”) did not object to the billing rates of Gregory Zimmer, Esq. and N. Ari Weisbrot, Esq. in its opposition to Dr. Goldberg’s indemnification and advancement application then Navidea should promptly inform Dr. Goldberg and the Court whether it objects to any other aspect of the proposed Order submitted by Dr. Goldberg with respect to going-forward advancement procedures in this action.

Navidea filed its opposition to the indemnification and advancement application and conceded that “Navidea does not view the billing rates for Zimmer or Weisbrot as objectionable.” However, it has not provided any comments on our proposed Order even though it has been in possession of the proposed Order since October 30, 2020. Navidea’s conduct here is consistent with its pattern of apparent delay in responding to issues relating to advancement, and also consistent with its obvious desire to delay commencement of its going-forward advancement obligations. We therefore respectfully request that the Court order Navidea to immediately provide its comments, if any, to the proposed Order.

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Thank for your attention to this matter.

Respectfully submitted,

/s/ Gregory Zimmer, Esq.